

LS

UNITED STATES DISTRICT COURT

EASTERN

District of

PENNSYLVANIA

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

BLUE MARSH LABORATORIES, INC.

FILED

SEP 28 2012

MICHAEL E. KUNZ, Clerk
By Dep. Clerk

Case Number:

DPAE2:11CR000259-001

USM Number:

N/A

Arthur L. Jenkins, Esq.

Defendant's Attorney

THE DEFENDANT:

X pleaded guilty to count(s) 1, 73 and 84 of the Superseding Indictment.

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

| Title & Section | Nature of Offense | Offense Ended | Count |
|-----------------|---------------------------|---------------|-------|
| 18:371 | Conspiracy | 12/2007 | 1s |
| 33:1319(c)(4) | Clean Water Act Violation | 7/6/2006 | 73s |
| 18:1001 | False Statements | 9/24/2007 | 84s |

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

X Count(s) 2s-52s, 53s-72s, 74s-82s and 83s ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

September 10, 2012

Date of Imposition of Judgment

Lawrence F. Stengel
Signature of Judge

Lawrence F. Stengel, U.S. District Judge

Name and Title of Judge

Date

9/27/12

DEFENDANT: BLUE MARSH LABORATORIES, INC.
CASE NUMBER: DPAE2:11CR000259-001

PROBATION

The defendant is hereby sentenced to probation for a term of :

Five (5) years, as to each counts 1s, 73s and 84s, all to run concurrently

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☐ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ☐ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: BLUE MARSH LABORATORIES, INC.
CASE NUMBER: DPAE2:11CR000259-001

ADDITIONAL PROBATION TERMS

The defendant shall make restitution in the total amount of \$14,114.50. Payments should be made payable to the U.S. Treasury and forwarded to the Clerk of the Court in Philadelphia, PA, for distribution to the victims, in the following descending order of priority:

Gloucester County Utilities Authority \$180.00
Attn: John J. Vinci, Jr., Executive Director
2 Paradise Road
West Depford, NJ 08066

Upper Moreland /Hatboro Join Sewer Authority \$209.00
Attn: William Washnock, General Manager
2875 Terwood Road
Willow Grove, PA 19090

Lockheed Martin \$1,107.50
Attn: Joseph Soroka
2890 Woodbridge Road
Edison, NJ 08837

EA Engineering (for Army Corps. of Engineering) \$10,118.00
Attn: Sanita Corum
11019 McCormick Road
Hunt Valley, MD 21031

Fisher Capespan \$2,500.00
Attn: Steve Stackhouse
7101 S. King Street
Gloucester City, NJ 08030

The amounts ordered represent the total amounts due to the victims for these losses. The defendant's restitution obligations shall not be affected by any restitution payments made by other defendants in this case, except that no further payments shall be required after the sums of the amounts actually paid by all the defendants has fully satisfied these losses. The following defendants in the following cases may be subject to restitution orders to the same victims for these same losses:

Michael J. McKenna Cr. No.: 11-259-02

Debbie Wanner Cr. No. 11-364-01

The restitution is due immediately and shall be paid in monthly installments of no less than \$100.00, to commence 30 days after the date of this judgement.

The Court finds that the defendant corporation does not have the ability to pay a fine. The Court will waive the fine in this case.

It is further ordered that the defendant shall pay to the United States a total special assessment of \$1,200.00, which shall be due immediately.

DEFENDANT: BLUE MARSH LABORATORIES, INC.

CASE NUMBER: DPAE2:11CR000259-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

| | <u>Assessment</u> | <u>Fine</u> | <u>Restitution</u> |
|---------------|--------------------|----------------|---------------------|
| TOTALS | \$ 1,200.00 | \$ 0.00 | \$ 14,114.50 |

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

| <u>Name of Payee</u> | <u>Total Loss*</u> | <u>Restitution Ordered</u> | <u>Priority or Percentage</u> |
|--|--------------------|----------------------------|-------------------------------|
| Gloucester County Utilities Authority Attn: John J. Vinci, Jr., Executive Director 2 Paradise Road W. Depford, NJ 08066 | 180.00 | 180.00 | 100% |
| Upper Moreland/Hatboro Joint Sewer Authority Attn: William Washnock, General Manager 2875 Terwood Road Willow Grove, PA 19090 | 209.00 | 209.00 | 100% |
| Lockheed Martin Attn: Joseph Soroka 2890 Woodbridge Road Edison, NJ 08837 | 1,107.50 | 1,107.50 | 100% |

(See pg. 6 for additional
payees)

| | | | | |
|---------------|-----------|---------------|-----------|---------------|
| TOTALS | \$ | 1496.5 | \$ | 1496.5 |
|---------------|-----------|---------------|-----------|---------------|

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

X The court determined that the defendant does not have the ability to pay interest and it is ordered that:

X the interest requirement is waived for the ☐ fine **X** restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: BLUE MARSH LABORATORIES, INC.
CASE NUMBER: DP AE2:11CR000259-002

ADDITIONAL RESTITUTION PAYEES

| <u>Name of Payee</u> | <u>Total Loss*</u> | <u>Restitution Ordered</u> | <u>Priority or Percentage</u> |
|--|--------------------|----------------------------|-------------------------------|
| EA Engineering (For Army Corps. of Engineering) Attn: Sanita Corum 11019 McCormick Road Hunt Valley, MD 21031 | \$10,118.00 | \$10,118.00 | 100% |
| Fisher Capcspan Attn: Steve Stackhouse 7101 S. King Street Gloucester City, NJ 08030 | \$2,500.00 | \$2,500.00 | 100% |

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: BLUE MARSH LABORATORIES, INC.
CASE NUMBER: DPAE2:11CR000259-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☐ Lump sum payment of \$ _____ due immediately, balance due
- ☐ not later than _____, or
- ☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
- The defendant shall make restitution in the total amount of \$14,114.50. Payments should be made payable to the U.S. Treasury and forwarded to the Clerk of the Court in Philadelphia, PA, for distribution to the victims.. The restitution is due immediately and shall be paid in monthly installments of not less than \$50.00, to commence 30 days after the date of this judgement. The defendant shall pay to the United States a total special assessment of \$1,200.00, due immediately.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☒ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

Michael J. McKenna Cr. No. 11-259-02

Debbie Wanner Cr. No. 11-364-01

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.